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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Udo Schütz

Serial No: 10/664,181

Filed: September 17, 2003

For: TRANSPORT AND STORAGE CONTAINER FOR LIQUIDS AND
METHOD FOR MANUFACTURING AN INNER PLASTIC
CONTAINER OF THE TRANSPORT AND STORAGE CONTAINER

Examiner: Eugene Lhymn

Art Unit: 3727

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

S I R:

In response to the Examiner's Answer dated October 2, 2007,
applicant offers the following remarks:

REMARKS

The Examiner's Answer of October 2, 2007, has been carefully considered.

The patent to Schütz discloses a transport and storage container having a plastic inner container 2 with a sheathing 18 made of a lattice of thin metal wire. In combination with the plastic container, the outer sheathing forms the outer layer of the plastic inner container and the outer sheathing provides an integral part of the inner container. The lattice sheathing forms a electrically conductive sections via the wires of the lattice, which extend over the side walls of the inner container. The lattice sheathing forms a connection between an inner surface of the plastic layer of the container and the outer surface of the inner container, which is defined by the outer surface of the lattice sheathing. The outer surface of the plastic layer is an inner layer of the container and there is no disclosure of an electrically conductive connection to the inner surface of the inner container. Additionally, Schütz teaches that the lattice can be constructed of an electrically conductive plastic and the plastic material for constructing the inner container is polyethylene. Additionally, the electrically conductive strips or

sections of the lattice of Schütz have a thickness that corresponds to a wall thickness whereby the thickness of the outer jacket, specifically the jacket layer, provides a wall thickness. There is no teaching by Schütz that the electrically conductive strips should have a thickness that is equal to the total thickness of the wall from the outer side to the inner side.

The Schütz patent corresponds to DE 197 31 518 which is discussed on page 3 of the specification of the present application. There it is discussed that Schütz teaches a container that is grounded by a hood of thin metal wire placed onto the inner plastic container or an electrically conducting net or woven fabric applied onto the inner container. With this outer grounding only the electrical charges occurring on the outer surface of the container are dissipated. Moreover, the electrical grounding of the liquid container by a hood, a net or a woven fabric is technically complex and results in a corresponding increase of the manufacturing costs.

Furthermore, the plastic inner container of Schütz is not constructed as a multi-layer body, nor does Schütz teach that the inner container has sections comprised of an electrically

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conducting plastic material strips that extend across a side wall of the inner container.

On the plastic inner container 2 of Schütz is a sheathing 18, as a separate part, made of an electrically conductive material in the form of a lattice basket or lattice hood of thin metal wire.

Thus, contrary to the position taken by the Examiner, the plastic inner container of Schütz is not a multi-layer body, nor does the inner container have integral electrically conductive sections that form electrical connections between an inner surface and an outer surface of the inner container, as in the presently claimed invention. Furthermore, Schütz also does not teach that the electrically conducting sections are strips of electrically conducting plastic having a thickness matching a wall thickness of the inner container.

DE 7341620 has been previously discussed at length and rather than repeat those arguments they are incorporated herein by reference.

The Examiner combined these references in determining that

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claims 1, 3 and 5 would be unpatentable over such a combination. Applicant respectfully submits that the combination of references does not teach the invention as recited in the claims presently on file.

In the present invention, as recited in claim 1, the inner container has a multi-layer body, and has integral electrically conducting sections comprised of an electrically conducting plastic material, wherein the electrically conducting sections form electrical connections between an inner surface and an outer surface of the inner container. The electrically conducting sections are strips having a thickness matching a wall thickness of the inner container, and the electrically conducting strips extend across at least one of the sidewalls and/or the corner areas between the sidewalls of the inner container. Such a construction is not taught or suggested by the combination of references cited by the Examiner.

For the above reasons it is submitted that the Examiner's rejection is in error and should be overturned.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and

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Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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Dated: December 3, 2007

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on December 3, 2007.

By:



Klaus P. Stoffel

Date: December 3, 2007